



MAYO V ALLSTATE
(ALL-IN-ONE)

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DISCRIMINATION LAWSUITS FILED AGAINST
ALLSTATE INSURANCE COMPANY

SOVEREIGN: US | Federal

CIRCUIT: 11th Circuit

DISTRICT: USALMD



0053-01

MAYO v ALLSTATE

2:02-CV-01367

CAPTION: *Mayo v Allstate*, 2:02-cv-01367 (USALMD 2002)

DISTRICT: USALMD

CASE NO: 2:02-cv-01367

CASE TYPE: Employment Discrimination

CHARGES: age

WEBPAGE: 0053_01.html

DOCKET: <https://ecf.almd.uscourts.gov>

DOCKET ENTRY: {#1}

DOCUMENT: Complaint

DATE: 12/13/2002

PAGES: 5



FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DEC 13 2002

**CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.**

JOHN W. (BILL) MAYO)
)
Plaintiff,)
)
v.)
)
ALL STATE INSURANCE COMPANY,)
a corporation,)
)
Defendant.)

CIVIL ACTION NUMBER:

02-M-1367-N

DEMAND FOR JURY TRIAL

COMPLAINT

I. JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, 1343(4), 29 U.S.C. § 621 et seq. This is a suit authorized and instituted pursuant to the “Age Discrimination and Employment Act” (ADEA). The jurisdiction of this court is invoked to secure protection of and redress deprivation of rights secured by 29 U.S.C. § 621 et seq., providing for injunctive and other relief against age discrimination.

2. The Plaintiff has fulfilled all conditions precedent to the institution of this action under the ADEA, 29 U.S.C. § 621 et seq. The Plaintiff timely filed his EEOC charge of discrimination within 180 days of his termination. The Plaintiff has received his Right to Sue letter dated September 24, 2002.

II. Parties

3. Plaintiff Bill Mayo is a male citizen of the United States and a resident of Barbour County, Alabama. Plaintiff Mayo was employed by Defendant AllState Insurance

Company as a market business consultant in Barbour County, Alabama at all times relevant hereto. Plaintiff was employed by the Defendant in some capacity for approximately thirty-two (32) years. The Plaintiff was terminated from his position as a market business consultant on or about December 31, 2001.

4. Defendant AllState is subject to suit as an employer under the ADEA. At all times relevant hereto, the Defendant was the employer of the Plaintiff. The Defendant employs in excess of 500 employees.

III. Causes of Action

COUNT I

ADEA - Age Discrimination

5. Plaintiff adopts and incorporates each and every material allegation contained in paragraphs 1-4 above as fully set forth herein.

6. Plaintiff Mayo performed his job duties as a market business consultant in a satisfactory manner. Plaintiff had received substantial performance bonuses by the defendant for the period immediately proceeding his discharge.

7. At the time of Plaintiff's termination, he had been an AllState employee in excess of thirty (30) years. Plaintiff was sixty-one (61) years of age at the time of his termination. His date of birth is July 6, 1940.

8. Plaintiff alleges the Defendant discriminated against him on the basis of his age in violation of 29 U.S.C. §621 et seq. Said statute provides that the employer is prohibited from discriminating on the basis of age as it relates to terminations, reductions in force, and or

other terms and conditions of employment.

9. Plaintiff asserts that the articulated reason for his discharge, i.e. that he received the lowest score on a leadership skills assessment which was used to determine which employees would be terminated as part of a reduction in force, was pre-textual. Plaintiff asserts that the “leadership skills assessment” is a subjective measure which in no meaningful way involved criteria that had been used to assess employee performance by this defendant during Plaintiff’s thirty-two (32) years of service.

10. As further evidence that the defendant’s assessment and the methodology used for the reduction in force was pre-textual, Plaintiff would show that he was frequently used as a trainer for new employees. Such actions would be inconsistent with the evaluations he received on the subjective assessment.

11. Plaintiff alleges that the person who replaced him in his territory was Starr Fain, who is substantially younger than the Plaintiff, (approximately 20 years younger).

12. Plaintiff alleges that the defendant AllState intentionally and wilfully discriminated against him on the basis of his age. Plaintiff alleges that he was more competent, more experienced, and his performance was substantially better than many of the market business consultants who were retained following this reduction in force. Plaintiff also alleges AllState continued a training program for several younger persons to become market business consultants.

13. The Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and back-pay, injunctive and declaratory judgment is his only means of securing adequate relief. The Plaintiff is now suffering and will continue to suffer irreparable injury from the defendant's unlawful policies and practices as set forth herein unless enjoined by

this Court.

IV. PRAYER FOR RELIEF - ADEA

WHEREFORE, Plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial provide relief as follows:

(A) Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of the defendant are violative of the rights of the Plaintiff as secured under the Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.

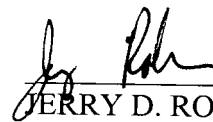
(B) Grant Plaintiff a permanent injunction enjoining the defendant, its agents, successors, employees, attorneys, and those acting in concert with the defendant and at the defendant's request from continuing to violate the ADEA, 29 U.S.C. §621, et seq.

(C) Enter an Order requiring the defendant to make the Plaintiff whole by awarding him a comparable position which he would have occupied in the absence of age discrimination, back-pay (plus interest), lost seniority, lost benefits, loss of pension, and liquidated damages.

(D) The Plaintiff prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorneys' fees and expenses.

(E) Issue a judgment that Defendant's discriminatory conduct was wilful.

Respectfully submitted,



JERRY D. ROBERSON (ROB010)
ASB-8283-071J
Attorney for Plaintiff

JURY DEMAND

PLAINTIFF DEMANDS TRIAL BY JURY.

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PLEASE SERVE DEFENDANT BY CERTIFIED MAIL AT:

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c/o the Corporation Company
2000 Interstate Parkway Drive
Suite 204
Montgomery, Al. 36109

APPENDIX



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